



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2011-0609; FRL-9914-48-Region 10]

Approval and Promulgation of Implementation Plans; Alaska:

Interstate Transport of Pollution

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) submittals from Alaska to address the interstate transport provisions of the Clean Air Act (CAA) for the 2006 fine particulate matter (PM_{2.5}), 2008 ozone, and 2008 lead (Pb) National Ambient Air Quality Standards (NAAQS). The CAA requires that each SIP contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. The EPA has determined that Alaska's SIP submittals on March 29, 2011, and July 9, 2012, contain adequate provisions to ensure that air emissions in Alaska do not significantly contribute to nonattainment or interfere with maintenance of the 2006 PM_{2.5}, 2008 ozone, and 2008 Pb NAAQS in any other state.

DATES: This final rule is effective on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA-R10-OAR-2011-0609. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of

which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT-107, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays. **FOR FURTHER INFORMATION CONTACT:** Keith Rose at: (206) 553-1949, rose.keith@epa.gov, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever “we,” “us” or “our” is used, it is intended to refer to the EPA. Information is organized as follows:

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I. Background

On March 29, 2011, and July 9, 2012, Alaska submitted SIP revisions to the EPA demonstrating that the Alaska SIP meets the interstate transport requirements of CAA section 110(a)(2)(D)(i) for the 2006 PM_{2.5}, 2008 ozone, and 2008 lead NAAQS. On April 28, 2014, we proposed approval of Alaska's submittals (79 FR 23303). An explanation of the CAA requirements and implementing regulations that are met by these SIP revisions, a detailed explanation of the revisions, and the EPA's reasons for the proposed action were provided in the notice of proposed rulemaking on April 28, 2014, and will not be restated here. The public

comment period for our proposed action ended on May 28, 2014. We received one comment expressing support for EPA's proposed approval of the state's interstate transport SIP submission.

II. Final Action

The EPA is approving the SIP submittals from Alaska on March 29, 2011, and July 9, 2012, to address the interstate transport provisions of the CAA section 110(a)(2)(D)(i)(I) for the 2006 PM_{2.5}, 2008 ozone, and 2008 Pb NAAQS. The EPA has determined that Alaska's SIP submittals on March 29, 2011, and July 9, 2012, contain adequate provisions to ensure that air emissions in Alaska do not significantly contribute to nonattainment or interfere with maintenance of the 2006 PM_{2.5}, 2008 ozone, and 2008 Pb NAAQS in any other state.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business

Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [Insert date 60 days after date of publication in the Federal Register]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead, Particulate matter, and Reporting and recordkeeping requirements.

Dated: July 8, 2014.

Dennis J. McLerran,

Regional Administrator,
Region 10.

Therefore, 40 CFR part 52 is amended as follows:

PART 52--[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart C—Alaska

2. In §52.70, the table in paragraph (e) is amended by adding two entries at the end of the table to read as follows:

§52.70 Identification of plan.

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(e) * * *

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP Provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Section 110(a)(2) Infrastructure and Interstate Transport				
*	*	*	*	*
Interstate Transport Requirements—2008 Ozone and 2006 PM _{2.5} NAAQS	Statewide	3/29/2011	<u>[Insert the date of publication in the Federal Register] [Insert Federal Register citation]</u>	Approves SIP for purposes of CAA section 110(a)(2)(D)(i)(I) for the 2008 Ozone and 2006 PM _{2.5} NAAQS.

Interstate Transport Requirements—2008 Lead NAAQS	Statewide	7/9/2012	<u>[Insert the date of publication in the Federal Register] [Insert Federal Register citation]</u>	Approves SIP for purposes of CAA section 110(a)(2)(D)(i)(I) for the 2008 Lead NAAQS.
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[FR Doc. 2014-18200 Filed 08/01/2014 at 8:45 am; Publication Date: 08/04/2014]